

June 12, 2024

Hon. Magistrate Parker
United State District Court, S.D.N.Y.
500 Pearl Street, Courtroom 17D
New York, NY 10007

RE: Parscale Motion to Compel and Response - filings

VIA: electronic submission through *Pro-Se* Intake Unit and to chambers

Your Honor,

I am the *pro-se* Plaintiff in the above-mentioned matter. I write to the Court regarding an administrative error that resulted in the Court not receiving a filing.¹

On June 4, 2024, by the appropriate deadline, I submitted my Motion to Compel Answers, regarding Mr. Parscale's deposition, to the Pro-Se Intake Unit. (*See Attachment*) I received the customary system notification, confirming receipt. (*See Attachment*)

A few minutes later, I also emailed it to Mr. Parscale's attorney, Stanley Woodward, so that Mr. Parscale and Mr. Woodward would not need to wait until the item was docketed, and would therefore have the full amount of time to review and respond, before their June 11th deadline. (*See Attachment*)

On Monday, June 10th, I called the Pro Se Intake Unit to inquire why my Motion to Compel had yet to reflect on the docket but was told that the Unit was behind on processing and "we'll get to it."

On Tuesday, June 11, 2024, at 11:58 pm, Mr. Woodward provided me their Response but noted that, as my Motion had never docketed, he would refrain from docketing their Response. (*See Attachment*) I responded to Mr. Woodward, informing I would provide the filings to the Court, if the Intake Unit had not docketed by that morning. (*See Attachment*)

I promptly called the Pro-Se Intake Unit, again, on Wednesday morning, June 12th. This time, I was told that my PDF filing was 'corrupted' (but Mr. Woodward was able to open and review the same PDF without issue) and such is likely why it had not been uploaded, due to technical difficulty. I was told I should "write a letter to the Court" and could also resubmit the filing in that letter. I do so herein. I also attach Mr. Parscale's Response, so that the Court has both filings.

Respectfully submitted,

s/Arlene Delgado
Arlene Delgado
Plaintiff

¹ While I recently sought, and obtained, permission from this Court to be able to e-file, even though I am unable to take the required course, the actual e-filing system department has yet to return my call.

ATTACHMENTS

for filing

A Delgado <ajdelgado@outlook.com>

Tue 6/4/2024 8:12 PM

To: Temporary Pro Se Filing NYSD <pro_se_filing@nysd.uscourts.gov>

 1 attachments (47 KB)

Motion to Compel Answers to Depo Questions Brad Parscale June 4 2024.pdf;

Greetings,

Attached please find a filing. Thank you!

Arlene Delgado
Plaintiff, pro-se

Case #: 19-cv-11764 (AT) (KHP)
Arlene Delgado
1065 SW 8th St PMB 609 Miami ,FL 33130
786-349-3186



Pro Se Filing

To: You



Tue 6/4/2024 8:12 PM

IMPORTANT INFORMATION, PLEASE REVIEW

Your email has been received by the Pro Se Intake Unit of the United States District Court for the Southern District of New York. (This is not the United States Bankruptcy Court.)

Documents from pro se litigants that meet the required standards for electronic filing will be filed and will appear on the ECF docket within two business days of receipt (see required standards below). If you send your document by email and it is accepted for filing, you should not deliver a hard copy version to the court.

Requirements for Filing a New Action by Email:

- Documents must be attached to the email in PDF format, no larger than 10 megabytes;
- Documents must be signed by the filing party by either
 - (a) signing by hand and then scanning the document;
 - (b) signing electronically using a digital signature; or
 - (c) by typing: “/s/Filer’s Name” on the signature block;

From: A Delgado <ajdelgado@outlook.com>

Sent: Tuesday, June 4, 2024 8:21 PM

To: Stanley Woodward <stanley@brandwoodwardlaw.com>; jgavenman@schulmanbh.com

Subject: Motion to Compel

Gentlemen:

Attached please find the Motion to Compel deposition answers of Mr. Parscale.

Given that it takes the Pro-Se Intake Unit a couple of days to process filings into the docket, and given that there is a deadline by which you are to respond, I am sending it to you, simultaneous to submitting to the Unit, to ensure you are not penalized for time by the delay in receiving it via the docket.

Thank you,

AJ

Re: Motion to Compel

A Delgado <ajdelgado@outlook.com>

Wed 6/12/2024 6:21 AM

To: stanley@brandwoodwardlaw.com <stanley@brandwoodwardlaw.com>; jgavenman@schulmanbh.com
<jgavenman@schulmanbh.com>

Cc: 'Mark Nobile' <mark@brandwoodwardlaw.com>


Received. My Motion to Compel was submitted to the Pro Se Intake Unit for processing on June 4th at 8:12 pm. I will call to ascertain why it has still not been docketed. If the Intake Unit is unable to remedy and docket it this morning, I will submit to the Court directly my Motion and your Response, with a cover letter explaining the matter, so that a ruling is not delayed due to the this administrative delay.

stanley@brandwoodwardlaw.com <stanley@brandwoodwardlaw.com>

Tue 6/11/2024 11:58 PM

To: 'A Delgado' <ajdelgado@outlook.com>; jgavenman@schulmanbh.com <jgavenman@schulmanbh.com>

Cc: 'Mark Nobile' <mark@brandwoodwardlaw.com>

 4 attachments (537 KB)

MOL IOT Motion to Compel Parscale Responses.pdf; JSG Decl IOT Motion to Compel Parscale.pdf; Ex A - Mtn to Compel Parscale.pdf; Ex B - Mtn to Compel Parscale.pdf;

Ms. Delgado – as your motion has yet to be docketed, a memorandum in opposition cannot be filed on the docket with the CM/ECF system. Accordingly, should your motion be docketed, we will promptly file the attached memorandum in opposition thereto.

Thank you,

Stanley

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ARLENE J. DELGADO,
Plaintiff,

-vs-

No. 19-cv-11764 (AT) (KHP)

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC., SEAN SPICER,
individually, REINCE PRIEBUS, individually,
and STEPHEN BANNON, individually,

Defendants.

MOTION TO COMPEL DEPOSITION ANSWERS BY BRADLEY PARSCALE

Plaintiff, Arlene J. Delgado, pursuant to the Court's May 29, 2024 order (ECF 330), hereby files this Motion to Compel Deposition Answers by Bradley Parscale, under F.R.C.P. 37 and all applicable rules and law, and respectfully requests that Mr. Parscale be ordered to answer the following questions:

FROM PART 1 OF THE DEPOSITION

QUESTION on p. 40 from Part 1 of the deposition

Plaintiff: [in regards to Mr. Parscale stating he had spoken to various attorneys regarding her, in the past], Plaintiff: "Was that about my lawsuit, or potential lawsuit, against the Campaign?"

Mr. Stanley Woodward (hereinafter, "Mr. Woodward") instructed his client not to answer, as such is privileged. But it is not.. Plaintiff was clearly not asking about the actual substance or content of the communication but merely the topic – the equivalent of the "re" line in an email. Per Southern District of New York privilege log rules, even oral communications' privilege logs require revelation of what the communication was *about*. Per the S.D.N.Y. rules:

For oral communications: (i) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (i) the date and place of communication; **and (i) the general subject matter of the communication.** (emphasis added)

What conversations the witness had about Plaintiff, particularly in the years when he was Campaign Manager of the Defendant-Campaign (2018-2020), are of course highly relevant and reasonably inquiring as to what or why the Campaign Manager was having conversations about the Plaintiff, and the general nature of such, is certainly something about which Plaintiff is entitled to briefly inquire. Note Mr. Woodward did not object on the basis of relevance (because he knows it is relevant) but merely on the basis of privilege – but, as the S.D.N.Y. rules make clear, such information is not considered privileged.

FROM PART 2 OF THE DEPOSITION

QUESTION on p. 184

[When Mr. Parscale explained that the Campaign paid its Senior Advisor, Mr. Miller, via a third party, due to Mr. Miller wanting to hide his income because “he was going through things”...]

Plaintiff: “What things?”

Mr. Woodward objected as to relevance.

First, the deponent opened the door to the question, by positing that the Defendant-Campaign essentially agreed to hide Mr. Miller’s compensation, routing it via a middleman, because Mr. Miller was going “through things.” In light of the deponent opening the door, it is difficult to sustain an objection as to relevance, when the question is merely following up on/seeking clarification on what the deponent himself just stated.

Second, upon information and basic common sense, those “things” were a child support litigation Mr. Miller had ongoing at the time, against Plaintiff. Of course it is relevant if the Campaign engaged in any conduct, or conspired to, or facilitated any conduct, that harmed, or Defendant should have known would harm, Plaintiff. It directly goes to, and is evidence of, retaliation against Plaintiff, one of the claims in this case. It is proportional, as well, to the needs of the case to know if Defendant-Campaign engaged in retaliatory conduct, given that retaliation is against Plaintiff is a claim in the case and retaliation, per New York law, can take various forms.

However, given that the Defendant-Campaign, essentially run by Mr. Miller, is a client of Mr. Parscale, and given that the Plaintiff was prevented from obtaining an answer on the spot, as she was entitled to do, it is undoubtedly the case that Mr. Parscale’s answer, even if compelled, will simply be, “I do not recall” or will say it was something else entirely.

QUESTION on p. 186

Plaintiff: "Are you neutral in this case, Brad?"

Mr. Woodward objected on the basis that the question had already been asked in "Part 1" of the deposition, a month earlier. As the transcript shows, Plaintiff asked Mr. Woodward to please inform as to where in the Part 1 transcript, which both had in their possession, the Plaintiff has asked the same question; Mr. Woodward refused to say; and the two then went on the record. The two come back on the record and Plaintiff recites for the record Mr. Woodward's position, which is that, in Part 1 of his deposition, Plaintiff asked, "Brad, is there any personal animus towards me regarding any issue that would prevent you from giving honest answers here today?"

But that is not the same question as to whether the deponent is neutral. Thus the objection was not valid. The objection was improper, as the question was clearly distinct from the prior question. One asked whether there was a personal animus towards the deposing party. The other asked whether the person was neutral in the case. The two are distinct.

Although Mr. Woodward did not object on the grounds of relevance, Plaintiff nonetheless notes herein that he did not do so because, clearly, the question is undoubtedly relevant, as it goes to the witness's credibility. Similarly, the question is proportional to the needs of the case, as it is standard to reasonably probe and question a key witness's credibility or bias.

QUESTION on p. 189

Plaintiff: "Brad, are you hoping the campaign wins this case? (p. 189 of transcript)"

Mr. Woodward objected as to relevance. But of course this is relevant, as well as proportional to the case. Whether the deponent, a key witness, is 'rooting' for one side or the other directly goes to the heart of the witness's credibility and "[t]he credibility of a witness (whether or not a party) is always relevant." *Shih v. Petal Card, Inc.*, 18-CV-5495 (JFK) (BCM) (S.D.N.Y. Nov. 12, 2021) p. 8

QUESTION on p. 194

Plaintiff: "Are your interests in this case aligned with the Campaign's?"

Mr. Woodward objected as to form but, more importantly, on grounds of attorney-client privilege, and directed his client not to answer, claiming that the question (whether the deponent believes his interests are aligned with the Campaign's) is attorney-client privileged.

This is an objection with no basis in law or logic. Attorney-client privilege is meant to protect communications between an attorney and his client for purposes of receiving or render legal advice. Not only did this question not inquire about legal advice sought or received, it did not even ask about *any* sort of communication between Mr. Parscale and Mr. Woodward. This question merely asked the deponent about his own belief.

Although Mr. Woodward did not object on the basis of relevance, Plaintiff nonetheless notes herein that this question is clearly relevant and proportional to the needs of the case, as any bias on the part of the witness, particularly a key witness, goes directly to the heart of the witness's credibility. "The credibility of a witness (whether or not a party) is always relevant." *Shih v. Petal Card, Inc.*, 18-CV-5495 (JFK) (BCM) (S.D.N.Y. Nov. 12, 2021) p. 8

CONCLUSION

In sum, this is a simple Motion to Compel, as the questions to which answers are sought were direct and easily justified questions, which any litigant/attorney would have also reasonably asked.

All are undoubtedly relevant and proportional to the needs of this case (these are not questions off on a remote tangent, to which depositions often stray).

Aside from the brief case citation above, Plaintiff does not burden this Court with a memorandum of law, given the simple nature of the questions.

The excerpt of the questions/objections is **attached** (with highlighting for ease of the Court's reference).

Dated: June 4, 2024

Respectfully submitted,

s/Arlene Delgado
Arlene Delgado
Plaintiff, *pro-se*

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 So that -- so you understand that is what
2 my narrowing down is about.

3 So --

4 (Simultaneous Speakers)

5 MS. DELGADO: So if you'd like to take a
6 minute and discuss it with him, I'm happy to
7 wait.

8 MR. WOODWARD: Do you want to rephrase the
9 question?

10 MS. DELGADO: Well, I think it's --

11 BY MS. DELGADO:

12 Q Mr. Parscale, you said you had
13 conversations or communications about me with
14 attorneys in the past, aside from, obviously, your
15 appearance here today; is that correct?

16 A Yes.

17 Q Okay. And without telling me the content
18 of those communications, what were they about or
19 pertaining to?

20 MR. WOODWARD: I'm still going to object.
21 Why don't you ask him who he spoke with. And
22 if it was on Twitter, then I won't have any
23 concerns.

24 MS. DELGADO: Well, I wouldn't limit it to
25 Twitter.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 MR. WOODWARD: Why don't you ask him --

2 (Simultaneous speakers)

3 BY MS. DELGADO:

4 Q Let's go -- what -- who -- what attorney
5 did you speak with that you're recalling?

6 A It would have been the campaign attorneys,
7 my campaign attorneys.

8 Q What year, approximately?

9 A My guess it would be -- I mean, I talked
10 to them multiple times over the years about you,
11 depending on the situation. But they would always
12 have been my campaign attorneys or my personal
13 attorney. I have a lot of attorneys unfortunately
14 after Trump world.

15 They would have all been my
16 attorneys. I don't know exactly who you're talking
17 about.

18 If you want to ask me if I spoke to a
19 certain person, ask me. I don't know who that would
20 have been.

21 Q Do you recall who the attorneys were that
22 you spoke to about me?

23 A The only one I remember multiple times is
24 Alex Cannon. Who's both --

25 (Simultaneous speakers)

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 BY MS. DELGADO:

2 Q Was that about -- I'm sorry. Go ahead.

3 A He was my campaign attorney and then
4 became my personal attorney after leaving the
5 campaign.

6 Q Okay. Was that about my lawsuit or
7 potential lawsuit against the campaign?

8 MR. WOODWARD: Don't answer that.

9 MS. DELGADO: I'm allowed to ask what
10 the -- the content of -- not the content
11 specifically, but what it pertained to not
12 whether -- does she have bad hair. They can
13 have a conversation about anything pertaining
14 to me that might not be legally related.

15 So I -- that -- I don't believe that's
16 privileged at all. The question is not trying
17 to get to the core of what they discussed.

18 MR. WOODWARD: Ms. Delgado, I'm
19 instructing my client not to answer questions
20 about his conversations with his attorneys.

21 MS. DELGADO: I'm allowed to ask if it was
22 about or related to the Trump campaign lawsuit.

23 MR. WOODWARD: Ms. Delgado --

24 (Simultaneous speakers)

25 MR. WOODWARD: Ms. Delgado, I'm

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 instructing my client not to answer questions
2 about discussions he had with his attorneys.

3 MS. DELGADO: But I'm not asking him to
4 detail the discussions or what the
5 communications were with the attorneys. I'm
6 asking what the communication was about.

7 Mr. Woodward, I trust you're familiar with
8 a privilege log. A privilege log has to
9 identify when communications with an attorney
10 were had, what they were about and who the
11 attorney was granted you do not then disclose
12 the actual communications, but that is
13 revealed.

14 Now, are you telling me privilege logs
15 violate attorney-client privilege? Please, we
16 have a limited amount of time today, so I'd
17 appreciate not making frivolous objections.
18 I'm asking the date. This is standard
19 privilege log information. Who the attorney
20 was and what the general content or issue was
21 that was being discussed. Not the actual
22 communications.

23 MR. WOODWARD: I -- I strongly suggest
24 that we move on.

25 MS. DELGADO: Are you still claiming that

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 that's privileged?

2 MR. WOODWARD: Yes, ma'am.

3 BY MS. DELGADO:

4 Q Were any of those communications, Brad, in
5 writing, e-mails for instance, text messages?

6 A I don't remember. The ones that I think
7 that I remember were not -- they were phone calls.
8 But they were -- I'm not saying they were not any,
9 but the ones I remember were by phone.

10 Q And the attorney was Alex Cannon?

11 A That's the one I remember.

12 Q Any others?

13 A AJ, I don't even remember the names of our
14 other attorneys.

15 Q Do you remember speaking to a Larry Rosen?

16 A I don't think I've ever spoke to Larry.
17 If I did, I don't remember. I possibly did. I know
18 the name.

19 Q You know the name?

20 A I mean, it's been on TV -- I don't know if
21 I know it from TV or if I know it from myself.

22 Q Let's' -- okay.

23 Do you recall why or did you ever --
24 let me rephrase that.

25 Do you have any understanding or

1 person doing that.
 2 I don't remember that exact incident.
 3 I remember incidents like that. I couldn't even
 4 tell you who their faces were now. If anything,
 5 they were -- they were -- I don't -- I can't
 6 remember names and -- none of it was so was dramatic
 7 that it made it an incident in my life.
 8 Q Do you remember Jessica Ditto making any
 9 sort of --
 10 A No, I don't believe it was Jessica Ditto.
 11 I barely had any conversations with Jessica Ditto.
 12 Only thing I remember about Jessica Ditto is Bannon.
 13 Q Is what?
 14 A Only thing I remember about Jessica Ditto
 15 is Bannon. That's the only thing -- you know.
 16 Isn't that the -- isn't that the -- is that --
 17 Q Is Bannon?
 18 A Oh, wait, no. That's not Bannon. That's
 19 the other one.
 20 No, I don't -- I -- I -- that --
 21 sorry, I'm messing up people. It's been a long
 22 time.
 23 No. I mean, I -- I don't remember if
 24 that -- that incident was with -- with her or not.
 25 I don't believe so. I -- I think -- I don't think

1 was stuck in my house in my...
 2 Q Fair. Okay. Okay. And I'm sorry that
 3 happened to you, by the way.
 4 A It's okay. I got over it.
 5 Q Okay. Okay.
 6 Let's see.
 7 You testified that Jason Miller had
 8 been paid through Jamestown because he didn't want
 9 his salary to be public. Do you recall why that
 10 was?
 11 MR. WOODWARD: Object to the form.
 12 A Ask that question exactly how you asked it
 13 again. I want to make sure I answer as perfectly
 14 honest as I can what you asked.
 15 BY MS. DELGADO:
 16 Q Did you testify earlier that Jason Miller
 17 wanted to be paid his 2020 campaign compensation
 18 through Jamestown?
 19 A Yes.
 20 Q Okay. If so, do you recall why he wanted
 21 to be paid through Jamestown?
 22 A I cannot remember if I was told why. I
 23 could tell why I -- why I believed why.
 24 Q Please tell me.
 25 A Why I believe why is he didn't want it on

1 she would have done that.
 2 I -- the -- I can't remember who it
 3 was. I don't think it was her.
 4 Q What about Ashley?
 5 A No. I don't think it would've been her
 6 either.
 7 Q Okay.
 8 A They might have been around. I don't
 9 remember who. I do remember a couple of those
 10 incidents, though; and I remember conversations with
 11 you talking about them. But I can't remember now
 12 who it was. Honestly, it's almost been eight --
 13 it's been ten years. Those would have been from
 14 2016.
 15 Q Any on 2019, including any work trips?
 16 A No, not that -- no.
 17 Q Okay.
 18 A I would say, towards '19, '20, I -- I -- I
 19 wasn't in places where that would have been, you
 20 know, as readily -- you know, I was a much lower
 21 person and hung out with the staff in 2016.
 22 Q Right.
 23 And you also had mentioned, because
 24 of COVID, I presume --
 25 A And COVID, I was stuck at -- you know, I

1 the FEC report.
 2 Q Do you know why he didn't want to be on
 3 the FEC report?
 4 MR. WOODWARD: Object to the form.
 5 A I -- I could only assume why. I don't
 6 remember if I -- under oath, I cannot remember if I
 7 was told why. I can only tell what I -- what my
 8 brain is telling me what I thought it was.
 9 Q Okay. Please do.
 10 A I just think he didn't want it on the FEC
 11 report because he was going through things and
 12 didn't want the world and public to know how much he
 13 was getting paid.
 14 Q What things?
 15 A Well --
 16 MR. WOODWARD: I'm going to object at this
 17 point to relevance to this litigation.
 18 MS. DELGADO: He was a campaign employee.
 19 I disagree.
 20 BY MS. DELGADO:
 21 Q Go ahead, Brad. You can answer.
 22 MR. WOODWARD: I'm going to instruct
 23 Mr. Parscale not to answer insofar as this is a
 24 topic that is not relevant to the claims and
 25 defenses in this action.

1 MS. DELGADO: That's not a basis to
 2 instruct your client not to answer. We've been
 3 over --
 4 MR. WOODWARD: Actually, pursuant to the
 5 Court's April 24th, '24 order, Paragraph 2 on
 6 Page 3, quote, Questioning must be limited to
 7 topics that are relevant to the claims and
 8 defenses in this action.
 9 MS. DELGADO: Right. And it is relevant.
 10 MR. WOODWARD: I maintain our objection --
 11 MS. DELGADO: He's already opened the
 12 door -- he's already opened the door.
 13 MR. WOODWARD: I maintain our objection
 14 and will instruct the witness not to answer.
 15 THE WITNESS: I don't think -- okay.
 16 MS. DELGADO: All this does it make -- is
 17 make it so you make it obvious that the
 18 campaign is protecting Jason Miller, and now
 19 even third-party witness' attorneys. That's
 20 not helpful to the campaign.
 21 MR. BLUMETTI: Objection to form.
 22 MS. DELGADO: So, Mr. Woodward, to be
 23 clear, you're saying that actions the campaign
 24 in 2020 took that may have resulted in harm to
 25 me are not relevant to this campaign, correct?

1 corrected. Can you point me to where I asked
 2 this already? I'm not looking to repeat. I
 3 have the transcript you sent me.
 4 MR. WOODWARD: We'll stand by our
 5 objection.
 6 MS. DELGADO: Can you point me to the page
 7 number?
 8 MR. WOODWARD: No.
 9 MS. DELGADO: I'm -- I'm opening it now.
 10 I didn't ask this already, Mr. Woodward.
 11 Are you going to allow your client to
 12 answer, then, since --
 13 MR. WOODWARD: No, ma'am.
 14 MS. DELGADO: Hmm?
 15 MR. WOODWARD: No. I'm instructing the
 16 witness not to answer.
 17 MS. DELGADO: Okay. Do you want to
 18 conclude and go to the -- see if the Judge is
 19 available? Because, at this point, this is
 20 just bad faith.
 21 I'm asking you to please point me -- we
 22 both have the transcript. Where did I ask it?
 23 And if I did, I'm happy not -- to withdraw the
 24 question.
 25 MR. WOODWARD: And I'm not --

1 MR. WOODWARD: I'm not testifying,
 2 Ms. Delgado.
 3 MS. DELGADO: No. You're -- but you're
 4 making an objection on relevance. So I'm
 5 trying to --
 6 (Simultaneous speakers.)
 7 MS. DELGADO: -- understand why you --
 8 what your position is that a question about
 9 harm that the campaign might have caused by
 10 hiding Mr. Miller's salary is not relevant.
 11 MR. WOODWARD: I'm happy to discuss this
 12 with you off the record.
 13 MS. DELGADO: Sure. Okay. We can do
 14 that. Okay. We'll circle back to that at the
 15 end to not waste time.
 16 BY MS. DELGADO:
 17 Q Okay. Are you neutral in this case, Brad?
 18 MR. WOODWARD: Objection. You asked him
 19 that in his prior deposition. The Court's
 20 April 24th, 2024 order also instructs you not
 21 to ask redundant questions previously posed to
 22 Mr. Parscale.
 23 I will instruct the witness --
 24 MS. DELGADO: I'm well-aware of the order.
 25 Can you point me to -- I'm happy to stand

1 MS. DELGADO: That's perfectly reasonable.
 2 MR. WOODWARD: And I'm not testifying, but
 3 I'm happy to go off the record and discuss it
 4 with you.
 5 MS. DELGADO: You want to go off the
 6 record to discuss how I already asked him a
 7 question?
 8 MR. WOODWARD: Yes, ma'am.
 9 MS. DELGADO: We can always go back on the
 10 record. Okay.
 11 We'll go off the record for a minute,
 12 Court Reporter.
 13 THE STENOGRAPHER: Off the record.
 14 (Recess.)
 15 THE STENOGRAPHER: Back on the record.
 16 MS. DELGADO: All right. We're back on
 17 the record.
 18 Mr. Woodward is taking the position that
 19 this has already been asked given Page 49 of
 20 the transcript in which, in Part 1 of his
 21 deposition, I asked, quote, Brad, is there any
 22 personal animus towards me regarding any issue
 23 that would prevent you from giving honest
 24 answers here today? Unquote.
 25 Mr. Woodward's position is that that's

1 essentially the same thing as asking if
 2 Mr. Parscale is neutral. And he's directed his
 3 client not to answer.
 4 BY MS. DELGADO:
 5 Q Brad, are you hoping the campaign wins
 6 this case?
 7 MR. WOODWARD: Objection to relevance.
 8 MS. DELGADO: It goes to credibility of
 9 the witness.
 10 MR. WOODWARD: No, it doesn't.
 11 MS. DELGADO: Yes, it does.
 12 BY MS. DELGADO:
 13 Q You can answer.
 14 MR. WOODWARD: No. I'm instructing him
 15 not to answer.
 16 MS. DELGADO: Okay. You -- you are out of
 17 control, sir. This -- I've done multiple
 18 depositions in this case. Nothing has been
 19 like your conduct. You're not allowed to
 20 instruct the witness not to answer.
 21 Now, it's not based on already asked.
 22 Now, the objection is what?
 23 MR. WOODWARD: Pursuant to the Court's
 24 April 24th, 2024 order, Questioning must be
 25 limited to topics that are relevant to the

1 So, Mr. Woodward, you're really going to
 2 take the position that Mr. Parscale cannot
 3 answer on issues that affect his credibility
 4 and speaks to his credibility even though
 5 there's Southern District of New York case law
 6 that specifically says that a party's
 7 credibility is always relevant?
 8 THE WITNESS: Didn't you just say I could
 9 answer?
 10 MS. DELGADO: Sorry?
 11 MR. WOODWARD: I did -- I did just --
 12 THE WITNESS: He just said I could answer.
 13 BY MS. DELGADO:
 14 Q Oh, I'm -- I'm referring to the other two
 15 that he's also instructed you not to answer.
 16 **A Oh. I'm sorry. Okay.**
 17 Q But go ahead. We can -- go ahead and
 18 answer this one.
 19 **A I don't -- I --**
 20 MR. WOODWARD: Can you repeat the
 21 question?
 22 **A Honestly, I can't remember which question**
 23 **it was not. There's a lot going on here.**
 24 BY MS. DELGADO:
 25 Q Oh, I agree.

1 claims and defenses in this action.
 2 MS. DELGADO: Sure. Versus going outside
 3 of that.
 4 The witness' credibility is not an issue
 5 in this action?
 6 MR. WOODWARD: We stand by our objection,
 7 Ms. Delgado.
 8 BY MS. DELGADO:
 9 Q Brad, are you aware that your attorney --
 10 not Mr. Woodward -- your other attorney is seeking
 11 to represent the campaign in this case?
 12 MR. WOODWARD: Objection to relevance.
 13 MS. DELGADO: So again, he's not
 14 permitted -- you're blocking your client from
 15 answering?
 16 MR. WOODWARD: He can answer.
 17 **A Can I -- there's a lot that's been said.**
 18 **Can you ask again what you asked me?**
 19 MS. DELGADO: I want to get the case law
 20 on the record. The credibility of a witness,
 21 whether or not a party, is always relevant.
 22 That's a direct quote from Shih vs. Petal Card.
 23 It's a Southern District of New York case,
 24 November 2021. It can be found at 2021 US
 25 District Lexis 221324.

1 The question was: Are you aware that
 2 your other attorney, Mr. Gavenman, is seeking to
 3 represent the campaign in this case?
 4 MR. WOODWARD: Object to the form.
 5 **A I just found that out this morning that**
 6 **that might -- that might be changing.**
 7 BY MS. DELGADO:
 8 Q So you found it out this morning?
 9 **A I found out this morning it was him, yeah,**
 10 **yeah, yeah. He -- I literally -- this is only the**
 11 **second time I've ever met him, so he just said that**
 12 **he might be representing the case this morning. And**
 13 **I just asked what that meant.**
 14 Q And you're okay with that?
 15 **A Yeah --**
 16 MR. WOODWARD: Sorry. Object to the form.
 17 **A I mean, yes. He's not my -- it doesn't**
 18 **bother me if he left or was with me or anything.**
 19 **They're not advising me on what to answer any**
 20 **questions, so I -- I'm -- I'm answering everything**
 21 **truthfully.**
 22 BY MS. DELGADO:
 23 Q But you've shared information with them
 24 that you haven't with me, correct?
 25 **A I -- I don't think that's correct. I**

1 don't know. I mean, I don't think so. I've
 2 answered every one of your questions. I've --
 3 I've -- I'm honest, so...
 4 Q Well, your attorney has claimed
 5 attorney-client privilege multiple times.
 6 You're not waiving that privilege,
 7 are you?
 8 A Well, I don't know what you mean by all
 9 that, so. I'm not an attorney, so...
 10 Q Your attorney --
 11 MR. WOODWARD: Object to the form.
 12 BY MS. DELGADO:
 13 Q -- explained there is -- there is
 14 information or documentation that is between you two
 15 that I am not able to be privy to.
 16 MR. WOODWARD: Object to the form.
 17 A I mean, I -- you're asking me -- I talk to
 18 my attorney, yes. I don't know what that -- I don't
 19 know -- I don't know the laws of privilege. I'm not
 20 an attorney. I stayed at a Holiday Inn Express
 21 once.
 22 BY MS. DELGADO:
 23 Q So I understand you don't -- you're not an
 24 attorney and you're stating you don't understand
 25 attorney-client privilege.

1 interest are aligned with the campaign's
 2 interests?
 3 MR. WOODWARD: Yes.
 4 MS. DELGADO: How is that attorney-client
 5 privilege, Mr. Woodward?
 6 MR. WOODWARD: I'm not testifying,
 7 Ms. Delgado. I'm happy to go off the record
 8 and discuss this with you.
 9 MS. DELGADO: No. I think this is going
 10 to have to stay on the record for the Judge.
 11 BY MS. DELGADO:
 12 Q Okay. Let's do some exhibits.
 13 Okay. Let's talk about alignment of
 14 interest with the campaign.
 15 Mr. Parscale, I'm going to show you a
 16 document which is an AP article that came out
 17 yesterday.
 18 Did you happen to read that article?
 19 A Yes -- well, there's a bunch of versions
 20 of it; but yes, I read several -- one of the
 21 versions.
 22 Q Okay. Showing you a portion I
 23 highlighted.
 24 It says, Since last year, Campaign
 25 Nucleus and other Parscale-linked companies have

1 A I understand attorney-client privilege.
 2 I'm saying that I don't -- I don't have secrets out
 3 there. I don't know what that means. You asked if
 4 I have secrets. I don't have secrets. I don't
 5 know. There's no secrets or -- you're asking me the
 6 question. I'm answering what you did. I have no
 7 reason to not answer your questions, so I don't know
 8 what we're talking about now.
 9 Q So any question from the prior deposition
 10 on which your attorney claims attorney-client
 11 privilege on your behalf?
 12 A I don't remember what those are. I
 13 haven't read the transcript. I don't -- I don't
 14 know.
 15 No. If -- if he says they are -- I
 16 don't -- he's my attorney.
 17 Q Are your interests in this case aligned
 18 with the campaign's?
 19 MR. WOODWARD: Object to the form. Object
 20 to attorney-client privilege.
 21 Don't answer.
 22 MS. DELGADO: You're claiming that's
 23 attorney-client privileged?
 24 MR. WOODWARD: Yes.
 25 MS. DELGADO: Whether he believes his

1 been paid more than 2.2 million by the Trump
 2 campaign, the RNC and their related political action
 3 fund -- and fundraising committees, campaign records
 4 show -- campaign finance records show.
 5 Is that accurate?
 6 MR. WOODWARD: Object to the form.
 7 A Actually, I -- I disagree with the AP's
 8 assumption of Parscale-linked companies. I'm not --
 9 I'm not denying that the Trump campaign is a
 10 customer; but as you know, AJ, they like to take any
 11 soft link of what they think I own or think I'm
 12 partnered with and add all those totals up together.
 13 I disagree with the Parscale-linked,
 14 but the AP writes what the AP writes.
 15 Q But it's correct that Campaign Nucleus has
 16 been paid by the Trump campaign since last year?
 17 A Yes. I just disagree with the total.
 18 Q Okay.
 19 THE STENOGRAPHER: That will be Number 17.
 20 MS. DELGADO: Thank you.
 21 (Exhibit 17 was marked for
 22 identification)
 23 BY MS. DELGADO:
 24 Q And then I'm going to show you -- sorry.
 25 I'm going to put up the same.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARLENE DELGADO,

Plaintiff,

v.

DONALD J. TRUMP FOR PRESIDENT, INC., et al.,

Defendant.

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) No. 1:19-cv-11764 (AT) (KHP)
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**BRADLEY PARSCALE’S MEMORANDUM OF LAW IN
OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL**

Non-party Bradley Parscale (“Mr. Parscale”) respectfully submit this memorandum of law in opposition to Plaintiff Arlene Delgado’s (“Plaintiff” or “Delgado”) motion to compel answers to certain deposition questions dated June 4, 2024.¹ (“Plaintiff’s Motion”). For the reasons contained herein, Mr. Parscale respectfully requests that the Court deny Plaintiff’s Motion.

PROCEDURAL BACKGROUND

Mr. Parscale’s relevance to the operative complaint in this action is tenuous, at best. Plaintiff filed the operative Complaint in this action on March 28, 2022, ECF No. 94, alleging, in sum and substance, that she suffered from discrimination concerning the Trump Administration’s decision not to hire Plaintiff to work at the White House. For his part, Mr. Parscale never worked at the White House. Although he was a contractor for then candidate-Trump’s 2016 Presidential campaign, he had no supervision over Plaintiff. Following the 2016 election, Mr. Parscale went on to, *inter alia*, went on to work for the Make America Great Again PAC, which eventually would

¹ This motion to compel has not yet been docketed, but Plaintiff provided Mr. Parscale with a copy of the letter, purportedly as filed. Mr. Parscale will cite the motion as “Pl. Mtn.” given that no ECF Number has been assigned at the time that Mr. Parscale’s response is due.

also employ Plaintiff, but, again, enjoyed no supervisory role over Plaintiff. Mr. Parscale had no involvement in the hiring of White House personnel and he has now been asked about (and declined any knowledge of) the decision not to hire Plaintiff at the White House. Ultimately, Mr. Parscale would leave the PAC to serve as campaign manager of President Trump's 2020 reelection campaign. Although Mr. Parscale chose not to hire Plaintiff to work for that campaign, she does not here allege this decision was discriminatory in any way. Accordingly, Plaintiff's fishing expedition concerning Mr. Parscale yielded no bounty and should be considered concluded.

ARGUMENT

I. The Court Should Deny Plaintiff's Motion to Compel an Answer to the Question That Seeks Information Protected from Disclosure by the Attorney-Client Privilege

On the first day of Mr. Parscale's deposition, Plaintiff asked Mr. Parscale to disclose the contents of discussions he had with a lawyer for Defendant Donald J. Trump for President, Inc. (the "Campaign") at a time when Mr. Parscale worked for the Campaign. Pl. Mtn. pp. at 1-2. Mr. Parscale objected and refused to answer on the advice of his current counsel that any responsive communication would be subject to the attorney-client privilege. Plaintiff asks the Court to compel Mr. Parscale's response. However, the information Plaintiff seeks is clearly privileged and Mr. Parscale should not be required to answer Ms. Delgado's question.

During the initial questioning of Mr. Parscale, Ms. Delgado asked him whether he had "ever spoken to an attorney about me or anything involving me, aside from your, of course attendance here today." Ex. A at p. 36:17-19. Mr. Parscale answered in the affirmative. *Id.* at 36:20. When Ms. Delgado impermissibly asked Mr. Parscale about the content of the conversations that he had with his attorneys, his attorney and the Campaign's attorney both objected on the grounds that the information Ms. Delgado sought was protected from disclosure by the attorney-client privilege. *Id.* at 36:22-24. Ms. Delgado argued then, as she does in

Plaintiff's Motion, that she was somehow entitled to information about the content of the conversation between Mr. Parscale and his attorneys. *Id.* at 37:1-4. Mr. Parscale's attorney explained that Mr. Parscale had already testified to what he spoke with his attorneys about (e.g. issues pertaining to Ms. Delgado), and she therefore possessed information about the subject of the conversation. *Id.* at 37:1-7. He then explained that she was not entitled to additional information about the content of the conversation. *Id.* When Ms. Delgado continued along this line of questioning, Mr. Parscale confirmed that the only attorneys he spoke with about Plaintiff, to his recollection, were the Campaign's attorneys and his personal attorneys (as opposed to, *inter alia*, a conversation with an individual on social media who happened to be an attorney, which, of course, would not have been privileged). *Id.* at 37:8-13; 39:6-40:5. However, when Ms. Delgado continued to inquire into the substance of the conversations between Mr. Parscale and his attorneys, his attorney objected on the grounds of attorney-client privilege.

Now, Plaintiff asserts she is entitled to broad information about any discussions between Mr. Parscale and his attorneys that may have occurred. This assertion is incorrect, particularly where, as here, the nature of Plaintiff's question makes clear that the subject of any communication cannot be disclosed without waiving the privilege. *Id.* at 40:21-22 ("Ms. Delgado: I'm allowed to ask if [Mr. Parscale's discussion with a Campaign attorney] was about or related to the Trump campaign lawsuit."). Of course, Mr. Parscale is permitted not to disclose information, where such disclosure would waive attorney-client privilege. Indeed, privileged material is outside the scope of permissible discovery. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter . . .") (emphasis added).

Plaintiff claims that she is entitled to information about "what conversations the witness had about Plaintiff, particularly in the years when he was Campaign Manager of the Defendant

Campaign.” Pl. Mtn. at p. 2. However, any communication between Mr. Parscale and an attorney that represented the Campaign (Mr. Parscale’s then-employer) relating to legal advice is a privileged communication, and the nature of Plaintiff’s question, as well as the arguments that she advances in Plaintiff’s Motion, makes clear she is seeking information about privileged conversations. *See e.g. Au New Haven, LLC v. YKK Corp.*, 2016 U.S. Dist. LEXIS 160602, at *4-5 (S.D.N.Y. Nov. 18, 2016) (“The attorney-client privilege applies only to (1) a communication between client and counsel that (2) was intended to be and was in fact kept confidential, and (3) was made for the purpose of obtaining or providing legal advice. . . [c]ourts examine whether the predominant purpose of the communication was to render or solicit legal advice, defined as the interpretation and application of legal principles to guide future conduct or to assess past conduct. (cleaned up) (citing *In re County of Erie*, 473 F.3d 413, 419-20 (2d Cir. 2007)).

Plaintiff also points to Local Rule 26.2 as purportedly requiring the disclosure of information from Mr. Parscale relating to his communications with his attorneys. However, Local Rule 26.2 merely requires that the party asserting privilege identify “the general subject matter of the communication.” Local Rule 26.2(a)(2)(B)(iii). Here, Mr. Parscale already confirmed the general subject matter of his communications with Plaintiff – namely, issues concerning Ms. Delgado. Ex. A at 36:17-37. Any additional information concerning these conversations would plainly be privileged and, thus, not subject to disclosure. *See* Local Rule 26.2(a)(2) (“The following information shall be provided. . . *unless divulgence of such information would cause disclosure of the allegedly privileged information[.]*”) (emphasis added).

On the basis of attorney-client privilege, Mr. Parscale respectfully requests that the Court deny Plaintiff’s request to compel a response to questions concerning his conversations with counsel.

II. The Court Should Deny Plaintiff’s Motion to Compel Questions Concerning Jason Miller

Plaintiff’s Motion also seeks to compel an answer to a question concerning non-party Jason Miller, namely, the reason (or reasons) that he was paid compensation through a third-party company, Jamestown. Mr. Parscale did not answer this question on advice of counsel based upon relevance. Plaintiff justifies her attempts to question Mr. Parscale about a plainly irrelevant topic – namely, how compensation was paid to a non-party employee – by claiming that Mr. Parscale somehow “opened the door” to the question through his responses.

At the outset, Plaintiff distorts the nature of Mr. Parscale’s testimony that allegedly “opened the door” for this question. Plaintiff incorrectly claims that Mr. Parscale testified that, “Mr. Miller want[ed] to hide his income[.]” Pl. Mtn. at p. 2. This is incorrect. Plaintiff initially posed the question in a way which suggested that Mr. Miller did not want his salary to be public, before rephrasing her question to remove the reference to Mr. Miller’s alleged purpose. *See id.*, at 183:7-19 (“Q: You testified that Jason Miller had been paid through Jamestown because he didn’t want his salary to be public. . . A: Ask that question exactly how you asked it again. . . . Q: Did you testify earlier that Jason Miller wanted to be paid his 2020 campaign compensation through Jamestown? A: Yes.”). Thus, Mr. Parscale simply testified that he knew Mr. Miller was paid through an entity called Jamestown. *See e.g.* Ex. B at 183:16-19. Contrary to Plaintiff’s claim, Mr. Parscale never stated that Mr. Miller wanted to hide his income for any nefarious purpose.

To the contrary, Mr. Parscale made clear that he had no direct knowledge of why Mr. Miller wanted to be paid by Jamestown and could only testify as to why Mr. Parscale “believed” Mr. Miller had made the request, based on what he “assumed,” and not based on any actual evidence. *Id.* at 183:22-184-9. When Ms. Delgado inquired into why Mr. Parscale believed that Mr. Miller wanted to be paid by the Campaign through a third-party entity, Mr. Parscale’s attorney instructed

him not to answer, on the basis that the Court’s April 24, 2024 discovery order had required that the “questioning [of Mr. Parscale] *must be limited to topics that are relevant to the claims and defenses in this action.*” ECF No. 265 at p. 3 (emphasis added).

Mr. Miller is not a party to this case and his compensation, to say nothing of what entity paid his compensation, simply has nothing to do with any of the claims and defenses in this action. Given that fact, Mr. Parscale’s personal beliefs about why Mr. Miller wanted to be paid through a third-party entity (when he testified that he could not recall ever being told by anyone about the reason) is certainly not relevant to any issues in this case. Ms. Delgado attempts to make this information relevant by speculating that “common sense” dictates that Mr. Miller wanted to “hide” his compensation because of a child support litigation brought by Plaintiff, which in turn is relevant to her retaliation claim. Pl. Mtn. at p. 2. However, Ms. Delgado has never claimed that the manner in which the Campaign paid Mr. Miller his compensation is in any way part of her retaliation claims. Even if this were not the case, Ms. Delgado cannot demonstrate how *another employee’s speculation* about the reasons that Mr. Miller sought to have his compensation paid to a third party would bear on any claim or defense in this case. On the basis of relevance and because of the conditions implemented by the Court’s April 24, 2024 Discovery Order, Mr. Parscale respectfully requests the Court to deny Plaintiff’s request to compel a response to question two.

III. The Court Should Deny Plaintiff’s Motion to Compel Answers to Repetitive Questions

Finally, Plaintiff’s Motion asks the Court to require Mr. Parscale to answer questions about his alleged biases in this case. According to Plaintiff’s Motion, this information is relevant to demonstrate Mr. Parscale’s supposed credibility as a witness and that alone should be sufficient for this Court to compel a response. Plaintiff’s argument is both incorrect and misleading.

During the first day of Mr. Parscale's deposition, Plaintiff repeatedly inquired about Mr. Parscale's supposed biases and whether he could be a credible witness in this case. See Ex. A at 49:4-11 ("Q: Brad is there any personal animus towards me regarding any issue that would prevent you from giving honest answers here today. . . A: No"); 111:17-21 ("Q: Brad isn't it true that my informing Eric and my bringing this up in an e-mail in July of 2023 has soured your ability to be truthful here today? A: No"); 113:3-10 ("AJ, if it was true, I would tell the truth under oath, and I would do it in a heartbeat. . . I owe [the Campaign] nothing"); 7:22-25, 8:1-8 ("Q: And who is paying for Mr. Woodward to represent you in this matter? . . . [i]t is relevant to this case and Mr. Parscale's ability to be credible in this matter."); 117:14-21 ("Q: Do [the employment contracts] provide you'll receive covered legal services? A: Yeah. . . I had myself indemnified from lawsuits over the years. That's what I've been told by my attorneys. Q: Okay . . . [Mr. Parscale's legal fees are] being covered by some element of the Trump Org? A: A hundred percent. Yes. A: Okay. That's all I needed.")). The questions about Mr. Parscale's supposed credibility that are the subject of Plaintiff's Motion all asked some form of the same question: whether Mr. Parscale has any interest in ensuring a particular outcome to this litigation. *See* Pl. Mtn. at pp. 3-4 ("Are you neutral in this case, Brad? . . . Brad, are you hoping the campaign wins this case? . . . Are your interests in this case aligned with the Campaign's?"). Plaintiff proffers that each of these repeat questions addresses Mr. Parscale's credibility and that that alone is reason for the Court to compel a response. *Id.*

However, as Mr. Parscale's counsel notified Plaintiff, Plaintiff's second deposition was limited by the Court's April 24, 2024 Discovery Order, with the Court stating that the "[q]uestioning [of Mr. Parscale] must be limited to topics that are relevant to the claims and defenses in this action and *should not be redundant of questions previously posed to Parscale.*"

ECF No. 265 at p. 3. (emphasis added). In light of the fact that Plaintiff had already questioned Mr. Parscale about issues related to his credibility, Plaintiff's Motion to Compel further answers to similar questions should be denied.

Plaintiff seeks to justify her attempt to require answers to repeated questions seeking information concerning Mr. Parscale's supposed biases by citing to *Shih v. Petal Card* for the proposition that questions attacking a witness' credibility are always relevant and therefore always subject to discovery. This misstates the holding of *Shih* and the law. As the *Shih* Court explained, "although the credibility of a witness (whether or not a party) is always relevant. . . courts have historically been wary of discovery *sought solely for impeachment purposes.*" *Shih v. Petal Card*, 2021 U.S. Dist. LEXIS 221324, at *14 (S.D.N.Y. Nov. 12, 2021) (emphasis added). *See also id.* ("[T]he mere possibility of obtaining impeachment evidence cannot be enough to justify discovery into matters otherwise unrelated to the parties' claims and defenses, because the areas to be probed to test a witness' credibility are virtually limitless. . . It would obviously be intolerable for the party seeking disclosure to embark on an examination of every statement ever made by a witness in the hope of unearthing a falsehood." (cleaned up) (quoting *Davidson Pipe Co. v. Laventhol & Horwath*, 120 F.R.D. 455, 462-63 (S.D.N.Y. 1988))).

Here, there is no legitimate claim that questions purportedly designed to uncover impeachment material are relevant and proportional to the needs of the case, particularly where, as here, Plaintiff has already had an opportunity to inquire into this topic. On the basis of relevance and redundancy, and due to the conditions implemented by the Court's April 24, 2024 Discovery Order, Mr. Parscale respectfully requests the Court to deny Plaintiff's request to compel a response to questions concerning Mr. Parscale's credibility.

CONCLUSION

For the foregoing reasons, Brad Parscale respectfully requests that the Court deny Plaintiff's motion to compel additional deposition answers in its entirety.

Dated: June 11, 2024

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.

Stanley E. Woodward, Jr. (*pro hac vice*)

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Counsel for Non-Party Brad Parscale

CERTIFICATE OF SERVICE

On June 11, 2024, the undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed and served via the CM/ECF system, which will automatically send electronic notification to all parties of record.

/s/ Stanley E. Woodward, Jr.

Stanley E. Woodward, Jr. (*pro hac vice*)
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Counsel for Non-Party Brad Parscale

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARLENE DELGADO,

Plaintiff,

v.

DONALD J. TRUMP FOR PRESIDENT, INC., et al.,

Defendant.

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) No. 1:19-cv-11764 (AT) (KHP)
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**DECLARATION OF JEFFREY GAVENMAN IN
SUPPORT OF BRADLEY PARSCALE’S MEMORANDUM OF
LAW IN OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL**

Jeffrey S. Gavenman declares and says:

1. I am an attorney admitted to practice in this Court and am local counsel for non-party witness Bradley Parscale (“Mr. Parscale”) in the above-captioned matter. I make this declaration upon personal knowledge in support of Mr. Parscale’s opposition to Plaintiff Arlene Delgado’s Motion to Compel Additional Responses to his deposition.

2. Attached hereto as Exhibit A are true and correct excerpts from the deposition of Brad Parscale dated April 12, 2024.

3. Attached hereto as Exhibit B are true and correct excerpts from the deposition of Brad Parscale dated May 7, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 11, 2024
North Bethesda, Maryland

/s/ Jeffrey Gavenman
Jeffrey S. Gavenman

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
CASE NO. 19-CV-11764 (AT) (KHP)

ARLENE DELGADO,
Plaintiff,
vs.
DONALD J. TRUMP FOR PRESIDENT,
ET AL.,
Defendants.

LOCATION: Remote Audio-Video
Communication
DATE: April 12, 2024
TIME: 10:00 AM ET to 12:34 PM ET

DEPOSITION OF BRADLEY PARSCALE

Taken before Leila Harris, LCR, FPR,
Stenographic Court Reporter, Notary Public State of
Florida, pursuant to Notice of Taking Deposition in
the above-styled cause.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 APPEARANCES:

2

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22

23 Attorney for the Witness

23

24

25

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 Q Okay. Your deposition notice had an
2 attachment requesting that you provide certain
3 documents for this deposition.

4 Were you aware of the attachment to
5 the notice?

6 MR. WOODWARD: We don't have any
7 documents, Ms. Delgado.

8 MS. DELGADO: You have no documents for
9 any of the requested categories?

10 MR. WOODWARD: No, ma'am.

11 BY MS. DELGADO:

12 Q Could you please state your full name for
13 the record?

14 A Bradley James Parscale.

15 Q Where do you reside? You don't need to
16 tell me the address on the record, just a city and
17 state please?

18 A Midland, Texas.

19 Q Okay. And your lawyer in this matter is
20 Stanley Woodward?

21 A Yes, ma'am.

22 Q And who is paying for Mr. Woodward to
23 represent you in this matter?

24 MR. WOODWARD: Don't answer that.

25

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 MS. DELGADO: Mr. Woodward, are you
2 claiming a privilege?

3 MR. WOODWARD: Why is that relevant?

4 MS. DELGADO: It is relevant to this case
5 and Mr. Parscale's ability to be credible in
6 this matter. So I'm going to ask unless you're
7 claiming that that's attorney/client privilege,
8 which it is not.

9 MR. WOODWARD: Okay. I'm directing the
10 client -- my client not to answer the question.

11 MS. DELGADO: On what ground?

12 MR. WOODWARD: My advice.

13 MS. DELGADO: Mr. Woodward, he could only
14 be directed not to answer in you're asserting a
15 privilege.

16 MR. WOODWARD: Okay. We can spend time
17 arguing about this. Why don't you ask all the
18 questions you have in the time that you have.
19 And we can circle back on any that I've
20 directed him not to answer.

21 MS. DELGADO: Again, you're directing him
22 to answer based on a privilege of any kind?

23 MR. WOODWARD: Ms. Delgado, we can take
24 this up with the Court or we can move on.

25 MS. DELGADO: You're telling your client

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 BY MS. DELGADO:

2 Q Is it still your position that you did not
3 speak to Eric Trump about my --

4 (Simultaneous speakers)

5 MR. BLUMETTI: Objection.

6 THE WITNESS: I don't remember.

7 MR. WOODWARD: That misstates what he was
8 asked, Ms. Delgado. Or what he -- he answered,
9 Ms. Delgado.

10 BY MS. DELGADO:

11 Q Did you speak to Eric Trump?

12 A I don't remember.

13 Q You don't remember. Okay.

14 A It's six years ago.

15 Q Did you speak to an attorney?

16 A I don't remember.

17 Q Have you ever spoken to an attorney about
18 me or anything involving me, aside from your, of
19 course, attendance here today?

20 A Yes.

21 Q Okay. What was that about?

22 MR. WOODWARD: Objection.

23 MR. BLUMETTI: Don't -- everybody
24 attorney-client privilege. I'm sorry, Stanley.
25

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 MS. DELGADO: Not -- nope, not asking what
2 was said or what the conversation was. I'm
3 asking what it pertained to. What lawsuit?
4 What issue? That's not privilege.

5 MR. WOODWARD: You asked if he'd ever
6 spoken to an attorney about you, so he said,
7 yes. So now you know what it pertained to.

8 MS. DELGADO: No, about me, sir, can
9 literally be a conversation with an attorney on
10 Twitter about whether I had a good performance
11 on TV. I'm asking what was it about, i.e., was
12 it about, for instance, a lawsuit or the PAC
13 termination.

14 I'm permitted to ask that. That's not
15 privileged.

16 MR. WOODWARD: Okay. I'm going to have to
17 talk to him about that to understand whether
18 his answer is going to reveal privilege or not.
19 So we'll have to take a break.

20 MS. DELGADO: Fair enough. Fair enough.
21 But I -- but clearly I need to narrow it down
22 because Brad knows many individuals who happen
23 to be attorneys, and they could be talking
24 about anything regarding me that has nothing to
25 do with a lawsuit or potential lawsuit.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 So that -- so you understand that is what
2 my narrowing down is about.

3 So --

4 (Simultaneous Speakers)

5 MS. DELGADO: So if you'd like to take a
6 minute and discuss it with him, I'm happy to
7 wait.

8 MR. WOODWARD: Do you want to rephrase the
9 question?

10 MS. DELGADO: Well, I think it's --

11 BY MS. DELGADO:

12 Q Mr. Parscale, you said you had
13 conversations or communications about me with
14 attorneys in the past, aside from, obviously, your
15 appearance here today; is that correct?

16 A Yes.

17 Q Okay. And without telling me the content
18 of those communications, what were they about or
19 pertaining to?

20 MR. WOODWARD: I'm still going to object.
21 Why don't you ask him who he spoke with. And
22 if it was on Twitter, then I won't have any
23 concerns.

24 MS. DELGADO: Well, I wouldn't limit it to
25 Twitter.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 MR. WOODWARD: Why don't you ask him --

2 (Simultaneous speakers)

3 BY MS. DELGADO:

4 Q Let's go -- what -- who -- what attorney
5 did you speak with that you're recalling?

6 A It would have been the campaign attorneys,
7 my campaign attorneys.

8 Q What year, approximately?

9 A My guess it would be -- I mean, I talked
10 to them multiple times over the years about you,
11 depending on the situation. But they would always
12 have been my campaign attorneys or my personal
13 attorney. I have a lot of attorneys unfortunately
14 after Trump world.

15 They would have all been my
16 attorneys. I don't know exactly who you're talking
17 about.

18 If you want to ask me if I spoke to a
19 certain person, ask me. I don't know who that would
20 have been.

21 Q Do you recall who the attorneys were that
22 you spoke to about me?

23 A The only one I remember multiple times is
24 Alex Cannon. Who's both --

25 (Simultaneous speakers)

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 BY MS. DELGADO:

2 Q Was that about -- I'm sorry. Go ahead.

3 A He was my campaign attorney and then
4 became my personal attorney after leaving the
5 campaign.

6 Q Okay. Was that about my lawsuit or
7 potential lawsuit against the campaign?

8 MR. WOODWARD: Don't answer that.

9 MS. DELGADO: I'm allowed to ask what
10 the -- the content of -- not the content
11 specifically, but what it pertained to not
12 whether -- does she have bad hair. They can
13 have a conversation about anything pertaining
14 to me that might not be legally related.

15 So I -- that -- I don't believe that's
16 privileged at all. The question is not trying
17 to get to the core of what they discussed.

18 MR. WOODWARD: Ms. Delgado, I'm
19 instructing my client not to answer questions
20 about his conversations with his attorneys.

21 MS. DELGADO: I'm allowed to ask if it was
22 about or related to the Trump campaign lawsuit.

23 MR. WOODWARD: Ms. Delgado --

24 (Simultaneous speakers)

25 MR. WOODWARD: Ms. Delgado, I'm

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 question.

2 MS. DELGADO: I'll break it up.

3 BY MS. DELGADO:

4 Q Brad, is there any personal animus towards
5 me regarding any issue that would prevent you from
6 giving honest answers here today?

7 MR. WOODWARD: Objection. Compound
8 question.

9 BY MS. DELGADO:

10 Q You can answer.

11 A No. But I'm also under oath, and you're
12 telling, me -- asking me about very specific moments
13 that I don't remember, compared to sitting at a bar
14 having a drink and me trying to remember things.
15 Those are two different things in my book.

16 And if you want me to specifically
17 remember exactly who said something under oath, I
18 don't remember.

19 Q Do you recall telling me that Trump was
20 encouraging that I be placed on TV to defend him
21 during the Russia probe?

22 MR. BLUMETTI: Objection. Hearsay.

23 THE WITNESS: I -- I don't remember. I
24 don't -- AJ, I don't remember.

25 MR. WOODWARD: Let's take a break,

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 BY MS. DELGADO:

2 Q So if I ask you, Brad, how have you paid
3 for this deposition; for your representation in this
4 deposition, have you paid for it?

5 A No. No, I've --

6 Q Sorry?

7 A No, I've not.

8 Q Okay. How did you prepare for this
9 deposition?

10 A Just talking to Stanley, the lawyer.

11 Q Did you speak to Mr. Blumetti?

12 A Who's that?

13 Q The Trump campaign attorney.

14 A I never met him.

15 Q Okay. Did you speak to Mr. -- I'm sorry,
16 I don't want to mispronounce the name, Mr. Googleman
17 (sic)?

18 A I don't know who that is either, AJ.

19 MR. WOODWARD: Gavenman, is that --

20 MS. DELGADO: Gavenman, I apologize,
21 Gavenman.

22 THE WITNESS: I just met him ten minutes
23 ago.

24 BY MS. DELGADO:

25 Q Okay. Thank you.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 was --

2 (Simultaneous speakers)

3 THE WITNESS: AJ, if it was true, I would
4 tell the truth under oath, and I would do it in
5 a heartbeat. It's not true. And it never
6 happened. So whatever you think happened,
7 didn't happen.

8 So it's not about me to lie. I don't need
9 to lie. And if it was true, I would
10 100 percent say it. I owe them nothing.

11 BY MS. DELGADO:

12 Q The Trump campaign is a client of yours;
13 correct?

14 A Yes. Not my biggest anymore.

15 Q Correct.

16 And your position is that Eric Trump
17 has never contacted you?

18 MR. WOODWARD: Objection. That's not what
19 he said.

20 THE WITNESS: I said we've had very
21 little --

22 (Simultaneous speakers)

23 BY MS. DELGADO:

24 Q Your position is that Eric Trump has never
25 contacted you about this?

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 that indemnify me from these lawsuits. And under my
2 agreement of the contracts, Mr. Trump or whatever
3 organization was -- was to pay for them.

4 I -- you would have to ask their
5 attorneys and their people who that actually is.
6 I'm not -- I don't have transparency to that.

7 BY MS. DELGADO:

8 Q Do you have a copy of those contracts?

9 A The campaign would have them. You'd have
10 to ask the '16 campaign. I don't know where --
11 where those exist now. It's a long time ago.

12 Q Do they provide that you'll receive
13 covered legal services?

14 A Yeah. When I originally joined -- I had
15 myself indemnified from lawsuits over the years.
16 That's what I've been told by my attorneys.

17 Q Okay. So the Trump campaign -- you're not
18 paying anything for Mr. Woodward's fees. They're
19 being covered by some element of the Trump Org?

20 A A hundred percent. Yes.

21 Q Okay. That's all I needed.

22 And I think there was one other
23 question to circle back on.

24 Oh, yeah. It's about the attorneys
25 you have spoken to.

*April 12, 2024 in re: Delgado v Trump for President
Deposition of Bradley Parscale*

1 STATE OF FLORIDA)

2 COUNTY OF WALTON)

3 I, Leila Z. Harris, LCR (Tennessee), Court
4 Reporter, certify that I was authorized to and did
5 stenographically report the foregoing deposition;
6 and that the transcript is a true record of the
7 testimony given by the witness; Per Federal Civil
8 Procedure Rule 30(e) deponent witness did request to
9 read and sign transcript.

10 I further certify that I am not a
11 relative, employee, attorney, or counsel of any of
12 the parties, nor am I a relative or employee of any
13 of the parties' attorney or counsel connected with
14 the action, nor am I financially interested in this
15 action.

16
17 

18 _____
19 Leila Z. Harris, LCR, FPR
20 Stenographic Court Reporter
21
22
23
24
25

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 CASE NO. 19-CV-11764 (AT) (KHP)
4

5 ARLENE DELGADO,

6 Plaintiff,

7 vs.

8 DONALD J. TRUMP FOR PRESIDENT,
9 ET AL.,

10 Defendants.

11 LOCATION: Remote Audio-Video
12 Communication

13 DATE: May 7, 2024

14 TIME: 10:00 AM ET to 12:35 PM ET
15

16 Volume 2

17 CONTINUATION DEPOSITION OF BRADLEY PARSCALE

18 Taken before Leila Harris, LCR, Stenographic
19 Court Reporter, Notary Public State of Florida,
20 pursuant to Notice of Taking Deposition in the
21 above-styled cause.
22
23
24
25

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Attorneys for the Witness

1 **was stuck in my house in my...**

2 Q Fair. Okay. Okay. And I'm sorry that
3 happened to you, by the way.

4 **A It's okay. I got over it.**

5 Q Okay. Okay.

6 Let's see.

7 You testified that Jason Miller had
8 been paid through Jamestown because he didn't want
9 his salary to be public. Do you recall why that
10 was?

11 MR. WOODWARD: Object to the form.

12 **A Ask that question exactly how you asked it**
13 **again. I want to make sure I answer as perfectly**
14 **honest as I can what you asked.**

15 BY MS. DELGADO:

16 Q Did you testify earlier that Jason Miller
17 wanted to be paid his 2020 campaign compensation
18 through Jamestown?

19 **A Yes.**

20 Q Okay. If so, do you recall why he wanted
21 to be paid through Jamestown?

22 **A I cannot remember if I was told why. I**
23 **could tell why I -- why I believed why.**

24 Q Please tell me.

25 **A Why I believe why is he didn't want it on**

1 **the FEC report.**

2 Q Do you know why he didn't want to be on
3 the FEC report?

4 MR. WOODWARD: Object to the form.

5 A I -- I could only assume why. I don't
6 remember if I -- under oath, I cannot remember if I
7 was told why. I can only tell what I -- what my
8 brain is telling me what I thought it was.

9 Q Okay. Please do.

10 A I just think he didn't want it on the FEC
11 report because he was going through things and
12 didn't want the world and public to know how much he
13 was getting paid.

14 Q What things?

15 A Well --

16 MR. WOODWARD: I'm going to object at this
17 point to relevance to this litigation.

18 MS. DELGADO: He was a campaign employee.

19 I disagree.

20 BY MS. DELGADO:

21 Q Go ahead, Brad. You can answer.

22 MR. WOODWARD: I'm going to instruct
23 Mr. Parscale not to answer insofar as this is a
24 topic that is not relevant to the claims and
25 defenses in this action.

1 STATE OF FLORIDA)

2 COUNTY OF WALTON)

3 I, Leila Z. Harris, LCR (Tennessee), Court
4 Reporter, certify that I was authorized to and did
5 stenographically report the foregoing deposition;
6 and that the transcript is a true record of the
7 testimony given by the witness; Per Federal Civil
8 Procedure Rule 30(e) deponent witness did request to
9 read and sign transcript.

10 I further certify that I am not a
11 relative, employee, attorney, or counsel of any of
12 the parties, nor am I a relative or employee of any
13 of the parties' attorney or counsel connected with
14 the action, nor am I financially interested in this
15 action.

16
17 

18 _____
19 Leila Z. Harris, LCR, FPR
20 Stenographic Court Reporter
21
22
23
24
25